

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

Before

THE HON'BLE MR.JUSTICE CHANDRASHEKARIAH

W.P.No: 28867/97

Between:

Anjaneya, s/o Linge Gowda, major,
r/at: Talagavadi Kiragavadal Hobli,
Malavalli taluk, Mandya District. .. Petitioner;

(By Sri.Purushothama Rao)

And:

1. State of Karnataka,
by Secretary to the Govt.
Dept. of Panchayat Raj and Rural
Development, Karnataka Govt. Secreta-
riat, Bangalore-1.

2. Zilla Panchayat, Mandya,
rep. by its Chief Executive Officer.

3. Chowdamma, w/o Bore Gowda,
major, r/at: Talagavadi, Malavalli
taluk, Mandya Dist.

4. Dugganahalli Gram Panchayat,
Dugganahalli, Kiragaval Hobli,
Malavalli taluk, Mandya Dist.
rep. by its Secretary. .. . Respondents;
(Sri.K.Nagaraja HCGP for R1 and R2
Sri.Shivappa for R3;
R-4 being served)

Writ Petition is filed under Arts.226 and
227 of the Constitution praying to quash the Hakku
patra dated 28-11-86 issued in respect of sy.No.87
(Annexure-C) on the file of Talagavadi gram
Panchayat as it stood then and the order dated
26-5-97 passed in case No.MKA/GP/Appeal C4/CR/8-/95-96 (Annexure-E).

This petition coming on for preliminary hearing
in B group this day the Court made the following:

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O R D E R

18-6-1998

The petitioner claims to be the owner of the land measuring 3 guntas in survey No.273/7 of Talagavadi village, Malavalli taluk, Mandya Dist.

2. It is submitted by the learned counsel for the petitioner that the said land has been converted under the provisions of the Karnataka Land Revenue Act to use the said land for non agricultural purpose. Earlier the land in survey No.273/7 was declared to be required for a public purpose in a notification issued under Sec.6(1) of the L.A.Act, but the State Government before taking possession has withdrawn the acquisition proceedings by issuing a notification under Sec.48(1) of the L.A. Act.

3. The land in question was purchased by the petitioner from the husband of the 3rd respondent. Since [↑] ~~now~~ of the acquisition proceedings having been withdrawn, the petitioner continues to be the owner of the said property. If that is so, the said land is not available for formation of sites and for distribution of the sites under the Ashray scheme. But the Administrator of the Gram Panchayat allotted

site No.87 in favour of the 3rd respondent treating the said land has been acquired by the State Government.

4. As stated above, ~~in~~ the land in question ~~there is no site bearing No. 87 which can be surveyed~~ ~~No. 87~~ and ~~the same~~ has not been acquired by the State. Therefore, the said site is not available for allotment in favour of the 3rd respondent. Hence, the allotment of the said site made by the Gram Panchayat in favour of the 3rd respondent is illegal.

5. Accordingly, writ petition is allowed. The Hakku Patra dated 28-11-1986 (Annexure-C) and the order dated 26-5-1997 (Annexure-E) on the file of the Chief Executive Officer are quashed.

Sd/-
JUDGE

